

**Decision Session - Executive Member for
Housing and Safer Neighbourhoods**

19 February 2018

Report of the Assistant Director, Housing and Community Safety

**City of York Council Parking Enforcement on Council Housing
Land**

Summary

1. This report proposes an initiative to bring parking enforcement on council housing land within the remit of City of York Council Parking Services. Some areas of housing land are currently managed by a private company, Minster Baywatch, on a nil cost basis to Housing Services. The Report also seeks approval from the Executive Member for Housing and Safer Neighbourhoods on the recommendations in this report.

Recommendations

2. The Executive Member is asked to:

- 1) Approve the use of City of York Council Parking Services enforcement service for enforcement on council Housing Land (all garage areas and other designated land) using it's existing civil enforcement powers (Option A)

Reason: To ensure comprehensive, consistent and effective notification and enforcement on housing land where inappropriate, inconsiderate and unauthorised parking takes place by an in house service.

- 2) To authorise relevant Officers to implement the proposed parking enforcement arrangements on Council housing land set out in the report, subject to approval by the Executive Member for Transport and Planning and including the development of a separate Traffic Regulation Order for all identified housing land to be enforced on, as well as advertising and putting in place the Traffic Regulation Order.

Reason: To ensure that the order is legally and correctly put in place, signed effectively, advertised and is enforceable.

- 3) To approve charging for parking permits on housing land in future, initially at a rate below resident parking rates but increasing over time to reach parity over a 5 year period.

Reason: To bring parity and fairness between Housing and non housing parking customers and provide income to help cover the costs of parking enforcement.

Background

3. Following concerns from staff and customers around the current level of service provided, the opportunity for in house provision of this service and complaints from customers, discussions have taken place between Housing and Parking to explore the merits and legality of using civil enforcement powers on housing land.
4. Following consultation with Legal Services the advice is that Housing land can be considered public land rather than private. The civil enforcement powers pertaining to Parking are therefore enforceable on Housing land.
5. This land includes council garage forecourts, ad hoc pieces of land within the Housing portfolio including on and off street. Some areas are controlled using a free permit system.
6. Parking enforcement has been needed in the past to ensure that garage renters can access their garages, to help control inconsiderate and opportunistic parking on housing land such as resident parking areas with open access. This has particularly been a problem in the city centre with drivers unwilling to use council and private car parks, alternative forms of transport and with civil enforcement being available on the public highway and in resident parking areas.
7. In other areas of the city demand for council garages can be low and any measures to prevent inconsiderate and opportunistic parking in these areas can only help make them a more attractive proposition for renting. Staff regularly deal with reports of customers unable to access or leave their council garage as they are blocked in by parked vehicles.

8. Housing also owns non garage land which has been parked on. Some of this is on the 'highway' but does not form part of the highway for enforcement purposes and is not covered by resident parking schemes. Parking permit schemes have been developed with residents in some of these areas to help control, with enforcement being done on non permit parking by the private company engaged, Minster Baywatch. Currently there are 223 parking permits issued over a range of sites. See Annex A. The current agreement with Minster Baywatch requires 6 months notice to end the arrangement.
9. These permits have been free of charge which is clearly not in parity with other residents only able to access resident parking areas. Administration of parking is not a traditional housing function and it is felt that this service should be administered within parking services and charged for.
10. The intention is to charge 50% of the standard parking permit rates initially, in line with the discount provided for parking permits when certain criteria is met, increasing this over time to be in parity with the standard parking permit charge.
11. Parking Services have the ability to issue Penalty Charge Notices for parking offences and in line with the charging rates and discount period set in legislation. These are enforceable through the civil justice system rather than the criminal system. Imposition of the Traffic Regulation Order on housing land would allow tickets to be issued in the designated areas.
12. More detailed information on parking tickets can be found at www.york.gov.uk/parking
13. Parking Services would receive the income from Penalty Charge Notices issued and permits funds would go towards the administration of this system once initial costs of setup had been recovered by Housing Services from these.
14. Housing Services regularly receive complaints, including via Parking Services, for parking issues relating to Housing land. This is because under the current arrangements customers are unclear who can enforce parking in certain areas and expect this to be Parking Services. This results in poor customer service and extra work for staff in Parking and Housing Services to deal with and

redirect these complaints. In addition poor signage is often cited as a reason for customer confusion.

15. Customers are often disappointed with the current service provided by the no fee contractor currently being used for enforcement on Housing land as their patrols are infrequent and response times poor. Parking Services can respond to an illegally parked vehicle within 45 minutes and take action on parking issues where Housing staff struggle to provide an effective service in this respect currently. Parking Services also regularly patrol to ensure parking offences are minimised.
16. The Traffic Regulation order requires a high level of signage leading up to the enforcement area meaning that there would be less confusion on the areas to be enforced and by whom as well as a deterrent for opportunistic parking.
17. The parking hotline is available to officers and the public to report parking offences under the Traffic Regulation Order.
18. Housing can be consulted on the level of enforcement in individual cases and appropriate action on enforcement taken. Arrangements between departments would be determined by a Service Level Agreement. Implementation of this scheme would be phased in to allow customers to get used to the new service and help with the resourcing of this both from an administration perspective and enforcement.

Consultation

19. These proposals have been discussed with the Federation of Resident's Association at their January meeting. This has previously been discussed at this forum in outline and received broad approval although the parking permit charging element proposal was for a much smaller amount when discussed. The January meeting discussed the updated proposal and a majority of those present voted to support the scheme. The meeting suggested having a 'grace' period for permit schemes in line with those used in resident parking zones for very short visits to the area.
20. Staff welcome Parking Services taking on administration of parking permits, parking offences and enforcement through parking tickets under the terms of a Traffic Regulation Order, should this be

approved, as they believe this will provide a more responsive and effective service for customers.

21. Anecdotally, our customers expect the same level of enforcement on housing land as on the public highway or in resident parking zones.
22. The Traffic Regulation Order will need a public consultation before implementation.

Options

22.

- A) Approve all 3 recommendations at paragraph 2.
- B) Approve recommendations A and B at paragraph 2
- C) Approve none of the recommendations and retain existing arrangements

Analysis

23.

- A) Despite the initial outlay in costs and introduction of charges for 'Housing' parking permits this option allows for:
 - A more responsive and arguably professional service for customers with a patrol and call out mandate with a hotline facility
 - A single service approach for Housing customers affected by Parking Issues
 - The provision of the service 'in house' resulting in better accountability
 - More time for Housing staff to spend on core housing issues
 - Effective protection of parking capacity for those with a right to park in designated areas as well as access to rented garages
 - Potential income for Parking Services and Housing Services to provide an income and recover the costs of setting up the order and ongoing administration. It should be noted that it is unclear how much PCN revenue is likely to be generated from this and the level of abuse, which over time will reduce given the more consistent patrolling and response.

- Provide parity for housing customers able to access parking with those paying to access resident parking zones.

Permit holders are likely to be reluctant to paying fees where this has been free in the past.

Initial set up costs could be up to £50,000 and take time to recover.

B) As A apart from:

- One less source of income to help recover costs (permit charges).
- Permit holders would continue to receive free parking
- Continued lack of parity on parking for housing customers and customers using the resident parking permit schemes

C) Current levels of performance, service, customer satisfaction and impact on staff time are likely to continue unless another provider could be identified.

The opportunity to engage and in house service able to derive income from the initiative would be passed up.

The initial outlay and work for the Traffic Regulation Order would not be incurred.

Council Plan

24. This initiative contributes to the Council Plan in the following ways:

A focus on front line services:- This will ensure council housing tenants will have access to the same parking services as other residents who live in and work in York.

Implications

25.

• Financial

Set up costs will come from budgets agreed within the Housing Revenue Account. Staffing of the enforcement service will be as normal but supported by the increase in Penalty Charge Notice

revenue, which as stated, the level of which is unknown at present. However as Civil Enforcement Areas are patrolling near these areas already it is deemed this should have minimal impact given the small number of permit holders there are.

Housing Revenue Account to cover all set up costs including the Traffic Regulation Order and cost of signage and infrastructure.

Cost / income estimates:

Produce and advertise Traffic Regulation Order £22k - £27k which included notice of proposals, notice of making, administration fee, wages of full time member of staff for a minimum of 6 months depending on the number of comments through the Traffic Regulation Order consultation that may come in.

Signage and infrastructure up to £23k including signage and signage infrastructure at entry, exit points, every 30m where required over 65 potential areas

It is anticipated that income from permits will be in the region of £10k in the first year but could increase upto £20k when the full charge is in place. This will depend upon the level of take up from the permit scheme.

Parking fine income will vary between £35 per Penalty Charge Notice at the discounted rate when paid within a 14 day period or up to £70 outside of this discounted period and dependant on the contravention that has been broken

• **Human Resources (HR)**

Full time member of staff for a minimum of 6 months to set up the Traffic Regulation Order.

From an enforcement perspective, 2 new staff have been brought in to cover the city as a whole. As Civil Enforcement Officers are already patrolling nearby these Housing land locations, it is deemed this will be minimal impact. However resources will be monitored in line with the increase revenue and the number of parking issues .

• **Equalities**

None

- **Legal**

Legal advice is that Housing land can, through the implementation of the Traffic Regulation Order, have parking enforced using civil enforcement powers.

- **Crime and Disorder**

Reduction in opportunistic parking and likelihood of conflict could be reduced.

- **Information Technology (IT)**

None

- **Property**

None

- **Other**

This initiative supports the councils sustainable transport policy to encourage sustainable transport use, which is a part of the Local Transport Plan. Under this, parking plays a key role in helping keep the public highway network free flowing and protecting the on and off street parking capacity through parking management including parking permits and enforcement. Also greater use of technology to help people find a place to park more easily, which in turn helps to positively contribute towards air quality and working with local businesses including retail, to support the local economy including linking customers to businesses.

Risk Management

26. Effective staffing of the 'Housing' Traffic Regulation Order areas requires extra staff. This is deemed low risk as it's likely current resources can absorb this and any extra staff due to high demand could be funded from payment of fines and income from permits.

Challenge to the Traffic Regulation Order through consultation. Again, this is deemed low risk as the current level of service received is not perceived as adequate and will ensure that garage renters can have access to garages effectively enforced.

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Report
Approved

Date 3 Jan 2018

Specialist Implications Officer(s)

Financial: Patrick Looker, Finance Manager

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A Housing Land – Parking Permit Sites